

REMARKS

Claims 22 through 34 are pending. Claim 22 is an independent claim with claims 23 through 34 depending therefrom.

Claims 28 through 30 have been indicated as objected to for being dependent upon a rejected base claim, but otherwise allowable.

Claims 22 - 27 and 31 - 34 stand rejected under §102(e) as anticipated by U.S. Publication No. 2005/0166786 to Reichel. Applicant respectfully submits that independent claim 22 as amended and presented herein patentably distinguishes over Reichel '786, and is allowable.

Independent claim 22 is amended herein to more positively set forth the structure and relative position of the compensation sleeper with respect to the bed and connecting elements of the carrier. In particular, claim 22 calls for the track system to include a carrier that defines a track plate with connecting elements extending transversely from the underside of the plate. The carrier is supported on a bed. A compensation sleeper element is formed independent from the carrier and is disposed on a top surface of the bed and extends under each of the connecting elements of the carrier. The compensation sleeper is connected to the bed, and the connecting elements are connected to the compensation sleeper. An adjustment mechanism is provided whereby a desired spatial position of the carrier is achieved by fine adjustment of relative positions between the compensation sleeper and the bed, or between the connecting elements and the compensation sleeper. Applicant respectfully submits that this unique combination of elements is not disclosed or suggested by Reichel '786.

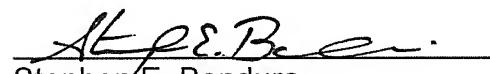
The element 28 in the embodiment illustrated in Fig. 8 of Reichel '786 is not a compensation sleeper that is disposed on a top surface of the bed 1 and which extends under each of the connecting elements 12. As explained in paragraph 0059 of the reference, the element 28 is concrete disposed in the intervening space between the webs 12. The concrete 28 does not extend under the webs 12, and thus cannot serve as a compensation sleeper in accordance with the present claims. The concrete 28 may serve as a "guidance" for the support 10 in a transverse direction, as described in paragraph 0059, but does not provide for incorporation of an adjustment mechanism wherein a desired spatial position of the carrier 10 relative to the concrete 28 can be adjusted, or a desired spatial position of the concrete 28 relative to the bed 1 can be adjusted. Reichel '786 provides for adjustment between the carrier webs 12 and the bed 1 via spindles 16. However, there is no intervening structure between the spindle 16 and the bed 1 that in any way satisfies the compensation sleeper element of the present claims.

Accordingly, applicant respectfully submits that independent claim 22 patentably distinguishes over Reichel '786, and is allowable. Claims 23 through 34 only further patentably define the structure of claim 22, and thus are allowable for at least the reasons claim 22 is allowable.

With the present Amendment, applicant respectfully submits that all pending claims are allowable, and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this matter or require any additional information.

Respectfully submitted,

DORITY & MANNING, P.A.


Stephen E. Bondura
Registration No.: 35,070

P.O. Box 1449
Greenville, SC 29602-1449
(864) 271-1592
fax (864) 233-7342